

House File 653

H-1399

1 Amend House File 653 as follows:

2 1. Page 6, line 21, by striking <program> and inserting
3 <initiative>

4 2. Page 10, line 6, by striking <2,807,776> and inserting
5 <2,907,776>

6 3. Page 11, after line 24 by inserting:

7 <(4) Not less than \$100,000 is allocated to the Polk county
8 medical society for continuation of the safety net provider
9 patient access to a specialty health care initiative as
10 described in 2007 Iowa Acts, chapter 218, section 109.>

11 4. Page 11, by striking lines 25 through 29 and inserting:

12 <f. Of the funds appropriated in this subsection,
13 \$76,231 shall be used by the department in implementing the
14 recommendations in the final report submitted by the direct
15 care worker advisory council to the>

16 5. Page 12, line 5, by striking <104,019> and inserting
17 <191,188>

18 6. Page 17, line 31, by striking <2017> and inserting <2018>

19 7. Page 19, by striking lines 27 through 31 and inserting
20 <1 for assistance under the family investment program, in
21 subsection 6 for child care assistance, or in subsection 10 for
22 technology costs related to the family investment program, as
23 applicable, have been expended. For>

24 8. Page 27, line 22, by striking <1,284,605,740> and
25 inserting <1,284,405,740>

26 9. By striking page 34, line 29, through page 35, line 4.

27 10. Page 41, line 16, by striking <87,329,375> and inserting
28 <87,279,375>

29 11. Page 46, line 9, by striking <1,186,595> and inserting
30 <1,136,595>

31 12. Page 47, after line 25 by inserting:

32 <c. Notwithstanding section 8.33, moneys corresponding to
33 the state savings resulting from implementation of the federal
34 Fostering Connections to Success and Increasing Adoptions Act
35 of 2008, Pub. L. No. 110-351, and successor legislation, as

1 determined in accordance with 42 U.S.C. §673(a)(8), that remain
2 unencumbered or unobligated at the close of the fiscal year,
3 shall not revert to any fund but shall remain available for the
4 purposes designated in this subsection until expended. The
5 amount of such savings and any corresponding funds remaining
6 at the close of the fiscal year shall be determined separately
7 and any changes in either amount between fiscal years shall not
8 result in an unfunded need.>

9 13. Page 48, line 14, by striking <2015> and inserting
10 <2016>

11 14. Page 53, line 1, by striking <13,883,040> and inserting
12 <14,033,040>

13 15. Page 53, line 17, by striking <250,000> and inserting
14 <200,000>

15 16. Page 53, line 26, by striking <Code>

16 17. Page 54, after line 2 by inserting:

17 <___. Of the funds appropriated in this section, \$200,000
18 shall be used to continue to expand the provision of nationally
19 accredited and recognized internet-based training to include
20 mental health and disability services providers.>

21 18. Page 54, line 31, after <funding> by inserting <,
22 including the \$2,500,000,>

23 19. Page 55, line 5, after <with> by inserting <subparagraph
24 division (a) and>

25 20. Page 55, after line 12 by inserting:

26 <(d) For the fiscal year beginning July 1, 2017, Medicaid
27 managed care long-term services and supports capitation
28 rates shall be adjusted to reflect the rebasing pursuant to
29 subparagraph division (a) for the patient populations residing
30 in Medicaid-certified nursing facilities.>

31 21. Page 55, after line 23 by inserting:

32 <(3) Medicaid managed care organizations shall adjust
33 facility-specific rates based upon payment rate listings issued
34 by the department. The rate adjustments shall be applied
35 retroactively based upon the effective date of the rate letter

1 issued by the department. A Medicaid managed care organization
2 shall honor all retroactive rate adjustments including when
3 specific provider rates are delayed or amended.>

4 22. Page 62, by striking lines 24 and 25 and inserting
5 <affected providers or services shall be reimbursed as>

6 23. Page 64, after line 35 by inserting:

7 <Sec. _____. EFFECTIVE UPON ENACTMENT. The following
8 provisions of this division of this Act, being deemed of
9 immediate importance, take effect upon enactment:

10 1. The provision relating to section 232.141 and directing
11 the state court administrator and the division administrator of
12 the department of human services division of child and family
13 services to make the determination, by June 15, 2017, of the
14 distribution of funds allocated for the payment of the expenses
15 of court-ordered services provided to juveniles which are a
16 charge upon the state.>

17 24. Page 71, line 35, by striking <program> and inserting
18 <initiative>

19 25. Page 75, line 20, by striking <1,403,888> and inserting
20 <1,453,888>

21 26. Page 77, after line 3 by inserting:

22 <(4) Not less than \$50,000 is allocated to the Polk county
23 medical society for continuation of the safety net provider
24 patient access to a specialty health care initiative as
25 described in 2007 Iowa Acts, chapter 218, section 109.>

26 27. Page 77, by striking lines 4 through 8 and inserting:

27 <f. Of the funds appropriated in this subsection,
28 \$38,115 shall be used by the department in implementing the
29 recommendations in the final report submitted by the direct
30 care worker advisory council to the>

31 28. Page 77, line 19, by striking <52,009> and inserting
32 <95,594>

33 29. Page 83, line 17, by striking <2018> and inserting
34 <2019>

35 30. Page 85, by striking lines 13 through 17 and inserting

1 <1 for assistance under the family investment program, in
2 subsection 6 for child care assistance, or in subsection 10 for
3 technology costs related to the family investment program, as
4 applicable, have been expended. For>

5 31. Page 93, line 7, by striking <642,302,870> and inserting
6 <642,202,870>

7 32. Page 104, line 33, by striking <43,664,687> and
8 inserting <43,639,687>

9 33. Page 109, line 26, by striking <593,297> and inserting
10 <568,297>

11 34. Page 111, after line 7 by inserting:

12 <c. Notwithstanding section 8.33, moneys corresponding to
13 the state savings resulting from implementation of the federal
14 Fostering Connections to Success and Increasing Adoptions Act
15 of 2008, Pub. L. No. 110-351, and successor legislation, as
16 determined in accordance with 42 U.S.C. §673(a)(8), that remain
17 unencumbered or unobligated at the close of the fiscal year,
18 shall not revert to any fund but shall remain available for the
19 purposes designated in this subsection until expended. The
20 amount of such savings and any corresponding funds remaining
21 at the close of the fiscal year shall be determined separately
22 and any changes in either amount between fiscal years shall not
23 result in an unfunded need.>

24 35. Page 111, line 31, by striking <2015> and inserting
25 <2017>

26 36. Page 116, line 18, by striking <6,941,520> and inserting
27 <7,016,520>

28 37. Page 116, line 34, by striking <125,000> and inserting
29 <100,000>

30 38. Page 117, line 8, by striking <Code>

31 39. Page 117, after line 12 by inserting:

32 <___. Of the funds appropriated in this section, \$100,000
33 shall be used to continue to expand the provision of nationally
34 accredited and recognized internet-based training to include
35 mental health and disability services providers.>

1 40. Page 122, by striking lines 2 and 3 and inserting
2 <provided at hospitals shall be rebased effective October 1,
3 2018, subject to Medicaid program upper payment limit>

4 41. Page 125, by striking lines 30 and 31 and inserting
5 <affected providers or services shall be reimbursed as:>

6 42. Page 128, after line 6 by inserting:

7 <Sec. _____. EFFECTIVE UPON ENACTMENT. The following
8 provisions of this division of this Act, being deemed of
9 immediate importance, take effect upon enactment:

10 1. The provision relating to section 232.141 and directing
11 the state court administrator and the division administrator of
12 the department of human services division of child and family
13 services to make the determination, by June 15, 2018, of the
14 distribution of funds allocated for the payment of the expenses
15 of court-ordered services provided to juveniles which are a
16 charge upon the state.>

17 43. Page 130, line 15, after <diseases> by inserting <, as
18 defined in the federal Orphan Drug Act of 1983, Pub. L. No.
19 97-414,>

20 44. Page 130, line 33, after <diseases> by inserting <, as
21 defined in the federal Orphan Drug Act of 1983, Pub. L. No.
22 97-414,>

23 45. Page 136, line 8, by striking <COST-REPORTING> and
24 inserting <TIERED RATES AND DOCUMENTATION CHANGES>

25 46. Page 138, line 27, by striking <healthcare> and
26 inserting <health care>

27 47. Page 140, line 22, after <section 139,> by inserting
28 <subsection 1,>

29 48. Page 140, lines 23 and 24, by striking <subsection 1,>

30 49. Page 142, by striking lines 13 and 14.

31 50. Page 143, by striking lines 12 and 13 and inserting
32 <beds beginning July 1, 2017.>

33 51. Page 144, after line 22 by inserting:

34 <DIVISION ____

35 NON-STATE GOVERNMENT-OWNED NURSING FACILITY UPPER PAYMENT LIMIT

1 ALTERNATIVE PAYMENT PROGRAM

2 Sec. _____. 2016 Iowa Acts, chapter 1139, section 81, is
3 amended by striking the section, and inserting in lieu thereof
4 the following:

5 SEC. 81. Section 249L.2, subsection 6, Code 2016, is amended
6 to read as follows:

7 6. "Nursing facility" means a licensed nursing facility as
8 defined in [section 135C.1](#) that is a freestanding facility or
9 a nursing facility operated by a hospital licensed pursuant
10 to [chapter 135B](#), but does not include a distinct-part skilled
11 nursing unit or a swing-bed unit operated by a hospital, or
12 a nursing facility owned by the state or federal government
13 or other governmental unit. "Nursing facility" includes a
14 non-state government-owned nursing facility if the nursing
15 facility participates in the non-state government-owned nursing
16 facility upper payment limit alternative payment program.

17 Sec. _____. 2016 Iowa Acts, chapter 1139, section 82, is
18 amended to read as follows:

19 SEC. 82. NON-STATE GOVERNMENT-OWNED NURSING FACILITY UPPER
20 PAYMENT LIMIT ~~SUPPLEMENTAL~~ ALTERNATIVE PAYMENT PROGRAM.

21 1. The department of human services shall submit, to the
22 centers for Medicare and Medicaid services (CMS) of the United
23 States department of health and human services no later than
24 September 29, 2017, a Medicaid state plan amendment to allow
25 qualifying non-state government-owned nursing facilities to
26 ~~receive a supplemental~~ participate in an alternative payment
27 program in accordance with the upper payment limit requirements
28 pursuant to [42 C.F.R. §447.272](#). The ~~supplemental~~ alternative
29 payment shall be ~~in addition to~~ the greater of the payment in
30 accordance with the upper payment limit requirements pursuant
31 to 42 C.F.R. §447.272 or the Medicaid fee-for-service per diem
32 reimbursement rate or the per diem payment established for the
33 nursing facility under a Medicaid managed care contract.

34 2. At a minimum, the Medicaid state plan amendment shall
35 provide for all of the following:

1 a. A non-state governmental entity shall provide the state
2 share of the difference between the expected ~~supplemental~~
3 alternative payment and the Medicaid fee-for-service per diem
4 reimbursement rate in the form of an intergovernmental transfer
5 to the state.

6 b. The state shall claim federal matching funds and shall
7 make ~~supplemental~~ alternative payments to eligible non-state
8 governmental entities based on the ~~supplemental~~ alternative
9 payment amount as calculated by the state for each nursing
10 facility for which a non-state governmental entity owns the
11 nursing facility's license. A managed care contractor shall
12 not retain any portion of the ~~supplemental~~ alternative payment,
13 but shall treat the ~~supplemental~~ difference between the
14 expected alternative payment and the Medicaid fee-for-service
15 per diem reimbursement rate as a ~~pass-through~~ component of
16 the capitated payment calculation to the eligible non-state
17 governmental entity.

18 c. The ~~supplemental~~ alternative payment program shall
19 be budget neutral to the state. No general fund revenue
20 shall be expended under the program including for costs of
21 administration. If payments under the program result in
22 overpayment to a nursing facility, or if CMS disallows federal
23 participation related to a nursing facility's receipt or
24 use of ~~supplemental~~ alternative payments authorized under
25 the program, the state may recoup an amount equivalent to
26 the amount of ~~supplemental~~ alternative payments overpaid or
27 disallowed. ~~Supplemental~~ Alternative payments shall be subject
28 to any adjustment for payments made in error, including but not
29 limited to adjustments made by state or federal law, and the
30 state may recoup an amount equivalent to any such adjustment.

31 d. A nursing facility participating in the program shall
32 notify the state of any changes in ownership that may affect
33 the nursing facility's continued eligibility for the program
34 within thirty days of any such change.

35 e. No portion of the ~~supplemental~~ alternative payment

1 paid to a participating nursing facility may be used for
2 contingent fees. Expenditures for development fees, legal
3 fees, or consulting fees shall not exceed five percent of
4 the ~~supplemental~~ alternative funds received, annually, and
5 any such expenditures shall be reported to the department of
6 human services, and included in the department's annual report
7 pursuant to subsection 3.

8 f. The ~~supplemental~~ alternative payment paid to a
9 participating nursing facility shall only be used as specified
10 in state and federal law. ~~Supplemental~~ Alternative payments
11 paid to a participating nursing facility shall only be used as
12 follows:

13 (1) A portion of the amount received may be used for nursing
14 facility quality improvement initiatives including but not
15 limited to educational scholarships and nonmandatory training.
16 Priority in the awarding of contracts for such training shall
17 be for Iowa-based organizations.

18 (2) A portion of the amount received may be used for nursing
19 facility remodeling or renovation. Priority in the awarding
20 of contracts for such remodeling or renovations shall be for
21 Iowa-based organizations and skilled laborers.

22 (3) A portion of the amount received may be used for health
23 information technology infrastructure and software. Priority
24 in the awarding of contracts for such health information
25 technology infrastructure and software shall be for Iowa-based
26 organizations.

27 (4) A portion of the amount received may be used for
28 endowments to offset costs associated with maintenance of
29 hospitals licensed under [chapter 135B](#) and nursing facilities
30 licensed under [chapter 135C](#).

31 g. A non-state governmental entity shall only be eligible
32 for ~~supplemental~~ alternative payments attributable to up to 10
33 percent of the potential non-state government-owned nursing
34 facilities licensed in the state.

35 3. Following receipt of approval and implementation of the

1 program, the department shall submit a report to the governor
2 and the general assembly, annually, on or before December 15,
3 regarding the program. The report shall include, at a minimum,
4 the name and location of participating non-state governmental
5 entities and the non-state government-owned nursing facilities
6 with which the non-state governmental entities have partnered
7 to participate in the program; the amount of the matching
8 funds provided by each non-state governmental entity; the
9 net ~~supplemental payment amount~~ difference between the
10 expected alternative payment and the Medicaid fee-for-service
11 per diem reimbursement rate received by each participating
12 non-governmental entity and non-state government-owned nursing
13 facility; and the amount expended for each of the specified
14 categories of approved expenditure.

15 4. The department of human services shall work
16 collaboratively with representatives of nursing facilities,
17 hospitals, and other affected stakeholders in adopting
18 administrative rules, and in implementing and administering
19 this program.

20 5. As used in this section:

21 a. "Non-state governmental entity" means a hospital
22 authority, hospital district, health care district, city, or
23 county.

24 b. "Non-state government-owned nursing facility" means a
25 nursing facility owned or operated by a non-state governmental
26 entity for which a non-state governmental entity holds
27 the nursing facility's license and is party to the nursing
28 facility's Medicaid contract.

29 Sec. ____ . 2016 Iowa Acts, chapter 1139, section 84,
30 subsection 1, is amended to read as follows:

31 1. The section of this division of this Act directing the
32 department of human services to submit a Medicaid state plan
33 amendment to CMS no later than September 29, 2017, shall be
34 implemented as soon as possible following enactment, consistent
35 with all applicable federal requirements.

1 options available including medication-assisted treatment.

2 4. The interim committee shall submit a report, including
3 findings and recommendations, to the governor and the general
4 assembly by November 15, 2017.>

5 52. By renumbering, redesignating, and correcting internal
6 references as necessary.

HEATON of Henry